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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,404	12/06/2001	Koji Nii	027260-505	5384

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EXAMINER

TRAN, TAN N

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,404

Applicant(s)

NII ET AL.

Examiner

TAN N TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 01/07/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 13-15 is/are rejected.
- 7) ☒ Claim(s) 5, 10-12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The indicated allowability of claims 9,15 is withdrawn in view of the newly discovered reference(s) to claims 9,15. Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 6-10 are objected to because of the following informalities:

In claims 2,3,5-12,14-16, line 1, “a semiconductor device” should be changed to – The semiconductor device--.

In claim 3, lines 4,5, “the third diffused layers” should be changed to – the third diffused layer --.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, another diffused layer formed on the substrate; and an isolation area formed between the first portion of the diffused layer and the another diffused layer, which separates the first portion of the diffused layer and the another diffused layer, wherein the contact is connected further to the another diffused layer as recited in claim 6, a source area and a drain area formed opposed to each other across the channel portion of the substrate existing under the gate electrode wherein the impurity concentrations of the first diffused layer and second diffused layer are higher than the ones of the source and the drain areas as recited in claim 11, and a source area and a drain area formed opposed to each other across the channel portion of the substrate existing under the gate electrode wherein the impurity concentrations of the diffused layer are higher than the ones of the source and the drain area as

recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not disclose another diffused layer formed on the substrate; and an isolation area formed between the first portion of the diffused layer and the another diffused layer, which separates the first portion of the diffused layer and the another diffused layer, wherein the contact is connected further to the another diffused layer as recited in claim 6.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4,6 are rejected under 35 U.S.C. 102(a) as being anticipated by Igarashi et al. (6,190,953).

With regard to claim 1, Igarashi et al. (6,190,953) discloses a gate electrode 4 formed on a substrate 1 through a gate insulating film 3 lying therebetween; first and second diffused layers formed opposite to each other across the portion of the substrate 1 existing under the gate electrode 4 and having a first conduction type, each having a second conduction type different from the first conduction type of the portion; a wiring layer 11 above the gate electrode 4; and a contact 18 formed within a contact hole between the wiring layer 11 and the substrate 1; the first diffused layer electrically connecting the wiring layer 11 to the contact 18 and contact electrically connecting to the sidewall of the gate electrode 4. Note figs. 4C and 7F of Igarashi et al. (6,190,953).

With regard to claim 2, Igarashi et al. (6,190,953) discloses the contact 18 is connected also to the second diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

With regard to claim 3, Igarashi et al. (6,190,953) discloses a third diffused layer formed on the substrate 1; and an isolation area 20 formed between the first and the third diffused layers, which separates the first and the third diffused layers each other; wherein the contact 18 is connected further to the third diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

With regard to claim 4, Igarashi et al. (6,190,953) discloses a gate electrode 4 formed on a substrate 1 through a gate insulating film 3 lying therebetween; a diffused layer formed on the substrate 1 having first and second diffused portions formed opposite to each other across the

portion of the substrate 1 existing under the gate electrode 4 and having a first conduction type, each having a second conduction type different from the first conduction type of the portion of the substrate 1 and a third portion that connects the first portion to the second portion. Note figs. 4C and 7F of Igarashi et al. (6,190,953).

With regard to claim 6, Igarashi et al. (6,190,953) discloses another diffused layer formed on the substrate 1; and an isolation area 20 formed between the first portion of the diffused layer and the another diffused layer, which separates the first portion of the diffused layer and the another diffused layer, wherein the contact is connected further to the another diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (6,190,953).

With regard to claims 7, 8, 13, 14, Igarashi et al. does not disclose the gate 4 is a memory node of the SRAM cell or the memory node of a bistable trigger circuit. However, it would have been obvious to one of ordinary skill in the art to form the gate 4 of Igarashi et al. functions as a memory node, because it is conventional in the art to use one of the gate electrodes that functions as a memory node. Note Fig. 1 of Sunami is cited to support for the well known position.

Although Igarashi et al. does not teach exact the type of the device as that claimed by Applicant, the type differences are considered obvious design choices and are not patentable unless unobvious or expected results are obtained from these changes. It appears that these changes produce no functional differences and therefore would have been obvious. Note in re Leshin, 125 USPQ 416.

Claims 9,15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (6,190,953) in view of Yaegashi et al. (6,472,701).

With regard to claims 9,15, Igarashi et al. disclose another gate electrode 4 formed on the substrate 1 through another gate insulating film 3, and a transistor for composing a semiconductor integrated circuit therein.

Igarashi et al. does not disclose the film thickness of the gate insulating film is thinner than the one of the another insulating film.

However, Yaegashi et al. discloses the film thickness of the gate insulating film 105 is thinner than the one of the another insulating film 108. (Note fig. 1 of Yaegashi et al.).

Therefore, it would have been obvious to one of ordinary skill in the art to form the Igarashi et al.'s device having the film thickness of the gate insulating film is thinner than the one of the another insulating film such as taught by Yaegashi et al. in order to elevate the speed of a peripheral transistor outside the memory.

Allowable Subject Matter

7. Claims 5, 10-12, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

^{5, 10-12, 16 are}
Claims ~~5~~ is allowable over the prior art of record, because none of these references disclose or can be combined to yield the claimed invention such as the contact is connected to the first portion and the second portion of the diffused layer as recited in claim 5, the relative dielectric constant of the gate insulating film is higher than the one of the another gate insulating film as recited in claims 10, 16, the impurity concentrations of the first diffused layer and the second diffused layer are higher than the ones of the source and the drain areas as recited in claim 11, the impurity concentrations of the diffused layer are higher than the impurity concentration of the source area and the drain area as recited in claim 12.

Conclusion

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tan Tran whose telephone number is (703) 305-3362. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the

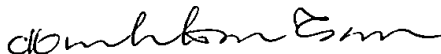
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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TT

Mar 2003


Minh Loan Tran
Primary Examiner